

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference IPY-182	FOR FURTHER ACTION	See item 4 below
International application No. PCT/JP2005/003595	International filing date (<i>day/month/year</i>) 03 March 2005 (03.03.2005)	Priority date (<i>day/month/year</i>) 03 March 2004 (03.03.2004)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant NEC CORPORATION		

1.	This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).																								
2.	This REPORT consists of a total of 5 sheets, including this cover sheet. In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.																								
3.	<p>This report contains indications relating to the following items:</p> <table style="width: 100%;"> <tr> <td style="width: 10%; text-align: center;"><input checked="" type="checkbox"/></td> <td style="width: 30%;">Box No. I</td> <td style="width: 60%;">Basis of the report</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>	<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input checked="" type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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<input type="checkbox"/>	Box No. VII	Certain defects in the international application																							
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application																							
4.	The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).																								

<p style="text-align: center;">The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland</p> <p>Facsimile No. +41 22 338 82 70</p>	<p>Date of issuance of this report 29 November 2006 (29.11.2006)</p> <p>Authorized officer Masashi Honda</p> <p>e-mail: pt08@wipo.int</p>
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PATENT COOPERATION TREATY

TRANSLATION

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

Date of mailing
(day/month/year)

Applicant's or agent's file reference

IPY-182

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/JP2005/003595

International filing date (day/month/year)

03.03.2005

Priority date (day/month/year)

03.03.2004

International Patent Classification (IPC) or both national classification and IPC

Applicant

NEC CORPORATION

1. This opinion contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the opinion |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input checked="" type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/JP

Authorized officer

Facsimile No.

Telephone No.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/JP2005/003595

Box No. I

Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐

This opinion has been established on the basis of a translation from the original language into the following language

_____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

- a. type of material

☐

a sequence listing

☐

table(s) related to the sequence listing

- b. format of material

☐

in written format

☐

in computer readable form

- c. time of filing/furnishing

☐

contained in the international application as filed.

☐

filed together with the international application in computer readable form.

☐

furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/JP2005/003595

Box No. IV

Lack of unity of invention

1. ☐ In response to the invitation (Form PCT/ISA/206) to pay additional fees the applicant has:
- ☐ paid additional fees
- ☐ paid additional fees under protest
- ☒ not paid additional fees
2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is
- ☐ complied with
- ☒ not complied with for the following reasons:

This international application includes 17 inventions which do not satisfy the requirement of unity of invention for the following reasons

The main invention: claims 1-3, 9-12, 14, 28-30, 39, 46, 50, 53, 59-64, 75-77, 80, 81, 103 and 104

The second invention: claims 4-8

The third invention: claims 13 and 65

The fourth invention: claims 15-24, 66, and 87-90

The fifth invention: claims 25-27 and 67

The sixth invention: claims 31 and 68

The seventh invention: claims 32-34 and 69

The eighth invention: claim 35

The ninth invention: claims 36-38

The tenth invention: claims 40 and 70

The eleventh invention: claims 41-45 and 71-74

The twelfth invention: claims 47 and 78

The thirteenth invention: claims 48, 49, 51, and 79

The fourteenth invention: claim 52

The fifteenth invention: claims 54-58 and 82-86

The sixteenth invention: claims 91-102

The seventeenth invention: claims 105-110

The matter common to the subject matters of claims 1-110 is a positioning system described in claim 1, having (1) an illuminator for transmitting unique information, (2) a terminal for receiving said unique information, and (3) a position estimating means for estimating the position of said terminal based on the unique information received by said terminal.

However, as a result of a survey, this positioning system was found not to be novel, since it is disclosed in document 1: JP, 08-279008, A (Yugen Kaisha Akagi Seisakusho), 22 October, 1996 (22.10.96), Summary, claims 1-7, and Figs. 1-6 or document 2: JP, 09-008734, A (Yugen Kaisha Akagi Seisakusho), 10 January, 1997 (10.01.97), Summary, and claims 1 and 6.

4. Consequently, this opinion has been established in respect of the following parts of the international application:

☐ all parts

☒ the parts relating to claims Nos. 1-3, 9-12, 14, 28-30, 39, 46, 50, 53, 59-64, 75-77, 80, 81, 103, 104

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/JP2005/003595

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Claims	1-3, 9-12, 14, 28-30, 39, 46, 50, 53, 59-64, 75-77,	YES
Claims	80, 81, 103, 104	NO

Inventive step (IS)

Claims	1-3, 9-12, 14, 28-30, 39, 46, 50, 53, 59-64, 75-77,	YES
Claims	80, 81, 103, 104	NO

Industrial applicability (IA)

Claims	1-3, 9-12, 14, 28-30, 39, 46, 50, 53, 59-64, 75-77,	YES
Claims	80, 81, 103, 104	NO

2. Citations and explanations:

Document 1: JP, 8-279061, A (Yugen Kaisha Akagi Seisakusho), 22 October, 1996 (22.10.96), full text, all drawings

Document 2: JP, 9-8734, A (Yugen Kaisha Akagi Seisakusho), 10 January, 1997 (10.01.97), full text, all drawings

With regard to the subject matters of claims 1-3, 9-12, 14, 28-30, 39, 59-64, 75, and 76:

The subject matters of claims 1-3, 9-12, 14, 39, 59-64, 75, and 76 do not appear to be novel or to involve an inventive step, since they are described in document 1 (Summary, claims 1, 3, and 4, paragraph [0009], and Figs. 1 and 2) or document 2 (Summary, claims 1 and 6, and paragraph [0009]) cited in the ISR.

Meanwhile, using a white LED for a transmitting portion described in claims 10 and 62 is obvious.

With regard to the subject matters of claims 46, 50, 53, 77, 80, and 81:

The subject matters of claims 46, 50, 53, 77, 80, and 81 do not appear to be novel or to involve an inventive step, since they are described in document 1 (Summary, paragraphs [0013]-[0017], and Figs. 3-6) cited in the ISR.

With regard to the subject matters of claims 103 and 104:

The subject matters of claims 103 and 104 do not appear to be novel or to involve an inventive step, since they are described in document 1 (paragraphs [0009] and [0010], and Fig. 2) cited in the ISR.